

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Mpower Communications Corp.,

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

Case 02-09-045  
(Filed September 27, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
DENYING MPOWER COMMUNICATIONS CORP.'S MOTION  
FOR ORDER SHORTENING TIME TO RESPOND  
TO MOTION FOR INJUNCTIVE RELIEF**

This ruling denies Mpower Communications Corp.'s (Mpower) October 28, 2002 motion for order shortening time to respond to Mpower's September 27, 2002 motion for interim injunctive relief. The Commission served Mpower's injunctive motion and Mpower's complaint on Pacific Bell Telephone Company (Pacific) on October 21, 2002, and Pacific confirmed with Mpower on October 22, 2002 that Pacific would file its response on November 5, 2002. (Pacific's Response, Exhibit 1.) The irreparable harm alleged, the competitive impact of Pacific's ongoing practice of providing rebates through an aggregator to subscribers to its tariffed COPT service, is insufficient to require Pacific to accelerate by a few business days the filing date Pacific discussed with and communicated to Mpower last week. I reserve ruling on Mpower's

accompanying request for an expedited hearing on the pending motion for interim injunctive relief until after Pacific files its response.

**IT IS RULED** that Mpower Communications Corp.'s motion for order shortening time is denied.

Dated October 30, 2002, at San Francisco, California.

/s/ JANICE GRAU

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Janice Grau  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Mpower Communications Corp.'s Motion for Order Shortening Time to Respond to Motion for Injunctive Relief on all parties of record in this proceeding or their attorneys of record.

Dated October 30, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.